

Criminal Transfer Application No.4 of 2002

Dr. Arihant Kumar Jain S/o Jogendra Swaroop Jain, R/o 22 E, Ram Ganga Vihar, Phase II Moradabad-----Applicant

Versus

1. State of Uttaranchal.
2. K.P.Singh S/o Daya Ram, r/o 8, Bhamdari Bagh, Dehradun
.....Opposite Party.

Hon'ble Irshad Hussain, J.

Heard Sri Sanjya Kaushik for the applicant and the learned A.G.A.
None appears on behalf of respondent no.2 who had been served.

This petition u/s 407 Cr.P.C. was filed with the prayer that the criminal cases nos. 1601//2000 and 1214/1999 arising out of crime case no. 698/1997 and 698 A/1997 pending before C.J.M. Dehradun may be transferred to some other court for trial. The reason is that the complainant in criminal case no. 1214/1999 and accused in cross case no. 1601/2000 Sri K.P.Singh is a practicing advocate of Dehradun and he has threatened the applicant with dire consequences if he happens to visit there in connection with the prosecution of these cases. The applicant was at the time of the alleged occurrence posted as a Medical Officer in Doon Hospital, Dehradun where the occurrence took place allegedly involving the said advocate and his wife. The applicant alleged that on account of the incident and the threat he got himself transferred to Moradabad from Dehradun and if he happens to visit Dehradun his life would be in danger and further that the said Advocate may have some influence on the witnesses who were cited in the FIR lodged by the applicant. The allegations as contained in the affidavit of the applicant are not controverted for want of appearance of the respondent despite service. Considering this, there is no alternative but to place reliance on the averments and assertion made in the affidavit of the applicant.

For the above reasons, the application of transfer is fit to be allowed and in the interest of justice, the above criminal cases nos. 1601/2000 and 1214/1999 are transferred to C.J.M. Haridwar for disposal according to law.

Let a copy of this order be sent to the District Judge Dehradun and District Judge, Haridwar for necessary action.

(Irshad Hussain, J.)

August 21, 2002,
MPS